

EXHIBIT 5

08-01789-cgm Doc 16634-5 Filed 09/14/17 Entered 09/14/17 17:42:59 Exhibit 5
Pg 2 of 55

THOMAS E. BRETT
ATTORNEY AT LAW

(718) 263-0123

SUITE 311
125-10 QUEENS BOULEVARD
KEW GARDENS, N.Y. 11415

December 15, 2008

Dear

Rosalinda

Bernard Madoff Investment Securities, LLC, has managed my investments since approximately 1967. I have been his customer for 41 years.

You and several relatives and friends have participated in this investment for many years. We have received a 10% return on our money just about every quarter. I have received monthly statements of stock trades, dividends and interest earned, as well as end of year 1099 tax reports.

I am sorry to report that he was arrested on December 11th and charged with securities fraud. It was alleged that he operated a Ponzi scheme that could involve losses of more than \$50-billion. You may have read about the case in Friday's papers. I enclose copies of some newspaper articles. The NY Times has been reporting this almost daily; today they have three separate articles.

The government has appointed a receiver and has frozen all accounts in an effort to protect investors. I obviously don't know whether our investments are in danger or when we will know the extent of the loss.

I am certain, however, that we will not receive our checks in January.

I and the entire financial community are shocked at this news.

I will forward developments as I am informed of same. In the meantime, follow the news reports.

Very truly yours,

Tom

MCMDP_00001700

Dr. Rosalinda Macaluso

Redacted

Thomas E. Brett, Esq.
125-10 Queens Boulevard
Suite 311
Kew Gardens, NY 11415

March 30, 2009

Re: Investment with Madoff Securities

Dear Tom,

On behalf of myself, Gaetano Macaluso and Heidi Hiles, I am writing to you in regards to monies our family had invested through you with Madoff Securities. I understand and respect the privacy and confidentiality rights of others who invested their money through you. However, I would like to inquire the following information: of the \$350,000.00 invested in my name, the \$50,000.00 invested in my father, Gaetano Macaluso's name and the \$10,000.00 invested in Heidi Hiles' name, what percentage of your total investment with Madoff pertains to each of us?

We are in receipt of your correspondences keeping us privy to the fraud investigation and we thank you for the updates. The money we had invested with you comprised our life savings and inheritances from family members. We hope you understand how important it is for us to know our standing in this investment and the percentage entitled to each of us upon claim distribution from the SIPC and the Madoff Trustee.

We look forward to your response.

Sincerely,



Rosalinda Macaluso

Redacted

MCMDP_00001701

THOMAS E. BRETT
ATTORNEY AT LAW

(718) 263-0123

SUITE 311
125-10 QUEENS BOULEVARD
KEW GARDENS, N.Y. 11415

March 31, 2009

Dr. Rosalinda Macaluso

Redacted

Re: Madoff Investment

Dear Rosalinda:

The breakdown of investment in percentages of the total fund is as follows:

Rosalinda's	\$350,000	=	.6796	(approximately 68%)
Gaetano's	50,000	=	.0970	(approximately 10%)
Heidi's	10,000	=	.0194	(approximately 2%)

Rosalinda, please be assured that I understand the importance of your knowing the percentage you, your dad and Heidi will share in any recovery of this fraud.

If there are any other questions please do not hesitate to call. I'll continue to keep you abreast of developments.

Very truly yours,


Thomas E. Brett

MCMDP_00001702

Irving H. Picard, Esq.
Trustee for Bernard L. Madoff
Investment Securities LLC
Claims Processing Center
2100 McKinney Ave., Suite 800
Dallas, TX 75201

Rosalinda Macaluso

Redacted

January 10 2009

Dear Mr. Picard,

I am writing to you regarding claims you are collecting from Bernard L. Madoff Investment Securities LLC customers for lost funds. While I do not have a direct account with Madoff Securities or listed as a customer, I had a formidable amount of money invested with him through a direct customer named Jennie Brett. Her husband, Thomas E. Brett, an attorney in New York managed my money in Madoff's "investment" since 2005. I had \$350,000.00 "invested" with Madoff and this loss is financially catastrophic for me as it represented my life savings and money from my family generations before me.

Thomas E. Brett notified me of this financial loss on December 15 2008. Enclosed you will find a copy of that letter informing me of the Madoff Securities fraud. Also enclosed with this letter, you will find a sample 1099-MISC form that Thomas E. Brett sent annually for income taxes as well as the last statement from Thomas E. Brett in October 2008 representing an "interest payment" for the "investment" with Madoff Securities.

It is my understanding that the SIPC will insure each investor up to \$500,000.00. As Thomas E. Brett stated in the enclosed letter, there were several investors through the Jennie Brett account with Madoff Securities. I am certain the total invested funds through Jennie Brett have well surpassed \$500,000.00. When looking at these facts, I am highly concerned that little to no funds will be recovered to me.

I write to you with a heavy heart and plead that you consider these circumstances and recognize the third party investors through the Jennie Brett account managed by Thomas E. Brett. In the period I had money "invested" with Madoff Securities through the Jennie Brett account, I received \$104,296.00 in "interest" payments. I ask that you consider a claim from me for \$245,704.00.

Once again, I plead that you give consideration for my loss in this securities fraud case as well as all other third party investors through Thomas E. Brett and the Jennie Brett account. Please find a completed customer claim form on my behalf.

Sincerely,


Rosalinda Macaluso

MCMDP_00001703

CUSTOMER CLAIM

Claim Number _____

Date Received _____

BERNARD L. MADOFF INVESTMENT SECURITIES LLC

In Liquidation

DECEMBER 11, 2008

(Please print or type)

Name of Customer: Rosalinda Macaluso
Mailing Address: Redacted
City: Redacted State: Redacted Zip: Redacted
Account No.: _____
Taxpayer I.D. Number (Social Security No.): Redacted 0784

NOTE: BEFORE COMPLETING THIS CLAIM FORM, BE SURE TO READ CAREFULLY THE ACCOMPANYING INSTRUCTION SHEET. A SEPARATE CLAIM FORM SHOULD BE FILED FOR EACH ACCOUNT AND, TO RECEIVE THE FULL PROTECTION AFFORDED UNDER SIPA, ALL CUSTOMER CLAIMS MUST BE RECEIVED BY THE TRUSTEE ON OR BEFORE March 4, 2009. CLAIMS RECEIVED AFTER THAT DATE, BUT ON OR BEFORE July 2, 2009, WILL BE SUBJECT TO DELAYED PROCESSING AND TO BEING SATISFIED ON TERMS LESS FAVORABLE TO THE CLAIMANT. PLEASE SEND YOUR CLAIM FORM BY CERTIFIED MAIL - RETURN RECEIPT REQUESTED.

1. Claim for money balances as of December 11, 2008:

- a. The Broker owes me a Credit (Cr.) Balance of \$245,704⁰⁰
- b. I owe the Broker a Debit (Dr.) Balance of \$0
- c. If you wish to repay the Debit Balance,
please insert the amount you wish to repay and
attach a check payable to "Irving H. Picard, Esq.,
Trustee for Bernard L. Madoff Investment Securities LLC."
If you wish to make a payment, it must be enclosed
with this claim form. \$ _____
- d. If balance is zero, insert "None." _____

2. Claim for securities as of December 11, 2008:

PLEASE DO NOT CLAIM ANY SECURITIES YOU HAVE IN YOUR POSSESSION.

	YES	NO
a. The Broker owes me securities	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. I owe the Broker securities	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. If yes to either, please list below:		

Date of Transaction (trade date)	Name of Security	Number of Shares or Face Amount of Bonds	
		The Broker Owes Me (Long)	I Owe the Broker (Short)

Proper documentation can speed the review, allowance and satisfaction of your claim and shorten the time required to deliver your securities and cash to you. Please enclose, if possible, copies of your last account statement and purchase or sale confirmations and checks which relate to the securities or cash you claim, and any other documentation, such as correspondence, which you believe will be of assistance in processing your claim. In particular, you should provide all documentation (such as cancelled checks, receipts from the Debtor, proof of wire transfers, etc.) of your deposits of cash or securities with the Debtor from as far back as you have documentation. You should also provide all documentation or information regarding any withdrawals you have ever made or payments received from the Debtor.

Please explain any differences between the securities or cash claimed and the cash balance and securities positions on your last account statement. If, at any time, you complained in writing about the handling of your account to any person or entity or regulatory authority, and the complaint relates to the cash and/or securities that you are now seeking, please be sure to provide with your claim copies of the complaint and all related correspondence, as well as copies of any replies that you received.

PLEASE CHECK THE APPROPRIATE ANSWER FOR ITEMS 3 THROUGH 9.

NOTE: IF "YES" IS MARKED ON ANY ITEM, PROVIDE A DETAILED EXPLANATION ON A SIGNED ATTACHMENT. IF SUFFICIENT DETAILS ARE NOT PROVIDED, THIS CLAIM FORM WILL BE RETURNED FOR YOUR COMPLETION.

	<u>YES</u>	<u>NO</u>
3. Has there been any change in your account since December 11, 2008? If so, please explain.	_____	_____✓
4. Are you or were you a director, officer, partner, shareholder, lender to or capital contributor of the broker?	_____	_____✓
5. Are or were you a person who, directly or indirectly and through agreement or otherwise, exercised or had the power to exercise a controlling influence over the management or policies of the broker?	_____	_____✓
6. Are you related to, or do you have any business venture with, any of the persons specified in "4" above, or any employee or other person associated in any way with the broker? If so, give name(s)	_____	_____✓
7. Is this claim being filed by or on behalf of a broker or dealer or a bank? If so, provide documentation with respect to each public customer on whose behalf you are claiming.	_____	_____✓
8. Have you ever given any discretionary authority to any person to execute securities transactions with or through the broker on your behalf? Give names, addresses and phone numbers.	_____	_____✓
9. Have you or any member of your family ever filed a claim under the Securities Investor Protection Act of 1970? if so, give name of that broker.	_____	_____✓

Please list the full name and address of anyone assisting you in the preparation of this claim form: _____

If you cannot compute the amount of your claim, you may file an estimated claim. In that case, please indicate your claim is an estimated claim.

IT IS A VIOLATION OF FEDERAL LAW TO FILE A FRAUDULENT CLAIM. CONVICTION CAN RESULT IN A FINE OF NOT MORE THAN \$50,000 OR IMPRISONMENT FOR NOT MORE THAN FIVE YEARS OR BOTH.

THE FOREGOING CLAIM IS TRUE AND ACCURATE TO THE BEST OF MY INFORMATION AND BELIEF.

Date 1/10/09 Signature Rosalinda Macaluso
Date _____ Signature _____

(If ownership of the account is shared, all must sign above. Give each owner's name, address, phone number, and extent of ownership on a signed separate sheet. If other than a personal account, e.g., corporate, trustee, custodian, etc., also state your capacity and authority. Please supply the trust agreement or other proof of authority.)

This customer claim form must be completed and mailed promptly, together with supporting documentation, etc. to:

Irving H. Picard, Esq.,
Trustee for Bernard L. Madoff Investment Securities LLC
Claims Processing Center
2100 McKinney Ave., Suite 800
Dallas, TX 75201

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BERNARD L. MADOFF INVESTMENT SECURITIES LLC

In Liquidation

DECEMBER 11, 2008¹

NOTICE OF TRUSTEE'S DETERMINATION OF CLAIM

December 8, 2009

Rosalinda Macaluso

Redacted

Dear Rosalinda Macaluso:

PLEASE READ THIS NOTICE CAREFULLY.

The liquidation of the business of BERNARD L. MADOFF INVESTMENT SECURITIES LLC ("BLMIS") is being conducted by Irving H. Picard, Trustee under the Securities Investor Protection Act, 15 U.S.C. § 78aaa *et seq.* ("SIPA"), pursuant to an order entered on December 15, 2008 by the United States District Court for the Southern District of New York.

The Trustee has made the following determination regarding your claim designated as Claim No. 000997:

Based on a review of available books and records of BLMIS by the Trustee's staff, you did not have an account with BLMIS. Because you did not have an account, you are not a customer of BLMIS under SIPA as that term is defined at 15 U.S.C. § 78lll (2). Accordingly, your Claim for securities and/or a credit balance is **DENIED**.

PLEASE TAKE NOTICE: If you disagree with this determination and desire a hearing before Bankruptcy Judge Burton R. Lifland, you **MUST** file your written opposition, setting forth the grounds for your disagreement, referencing Bankruptcy Case No. 08-1789 (BRL) and attaching

¹ Section 78lll(7)(B) of SIPA states that the filing date is "the date on which an application for a protective decree is filed under 78eee(a)(3)," except where the debtor is the subject of a proceeding pending before a United States court "in which a receiver, trustee, or liquidator for such debtor has been appointed and such proceeding was commenced before the date on which such application was filed, the term 'filing date' means the date on which such proceeding was commenced." Section 78lll(7)(B). Thus, even though the Application for a protective decree was filed on December 15, 2008, the Filing Date in this action is on December 11, 2008.

copies of any documents in support of your position, with the United States Bankruptcy Court and the Trustee within **THIRTY DAYS** after December 8, 2009, the date on which the Trustee mailed this notice.

PLEASE TAKE FURTHER NOTICE: If you do not properly and timely file a written opposition, the Trustee's determination with respect to your claim will be deemed confirmed by the Court and binding on you.

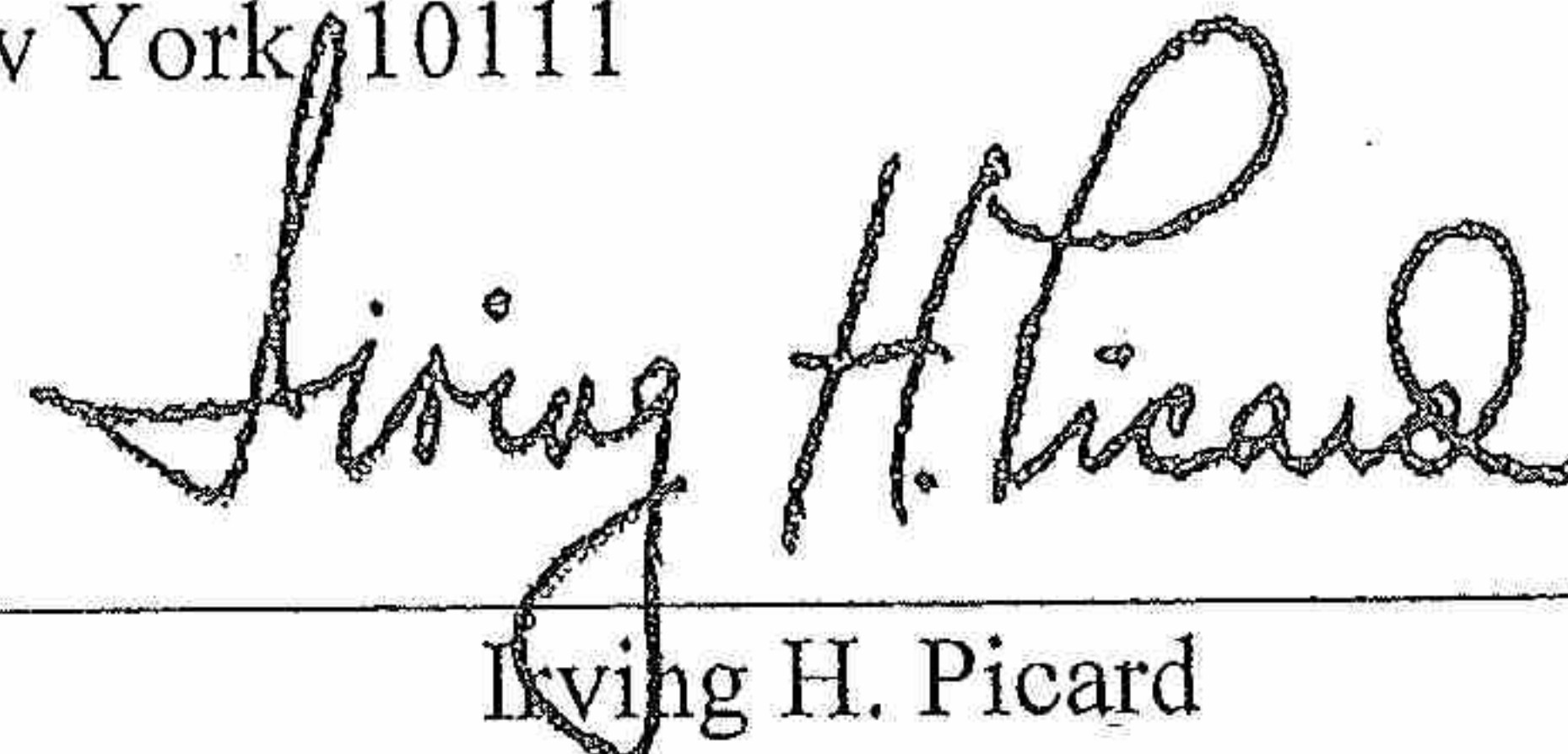
PLEASE TAKE FURTHER NOTICE: If you properly and timely file a written opposition, a hearing date for this controversy will be obtained by the Trustee and you will be notified of that hearing date. Your failure to appear personally or through counsel at such hearing will result in the Trustee's determination with respect to your claim being confirmed by the Court and binding on you.

PLEASE TAKE FURTHER NOTICE: You must mail your opposition, if any, in accordance with the above procedure, to each of the following addresses:

Clerk of the United States Bankruptcy Court for
the Southern District of New York
One Bowling Green
New York, New York 10004

and

Irving H. Picard, Trustee
c/o Baker & Hostetler LLP
Attn: Claims Department
45 Rockefeller Plaza
New York, New York 10111



Irving H. Picard
Trustee for the Liquidation of the Business of
Bernard L. Madoff Investment Securities LLC

CC: Thomas E. Brett
Suite 311
125-10 Queens Boulevard
Kew Gardens, NY 11415

THOMAS E. BRETT
ATTORNEY AT LAW

(718) 263-0123

July 2, 2010

SUITE 311
125-10 QUEENS BOULEVARD
KEW GARDENS, N.Y. 11415

Gaetano Macaluso

Redacted

TO: Rosalinda Macaluso

Redacted

Heidi Hiles

Redacted

Re: Madoff Fraud

Dear Tom, Rosalinda and Heidi:

I enclose herewith for Rosalinda and Heidi copies of a 6-page Denial of Claim letter from the Trustee in Bankruptcy, Irving H. Picard, dated June 22, 2010.

This concerns the second claim filed by Jennie Brett. It concerns Account No. 1B0192 and is called Claim No. 000047 by Mr. Picard.

This concerns activities from 7/25/97 up to 10/6/08.

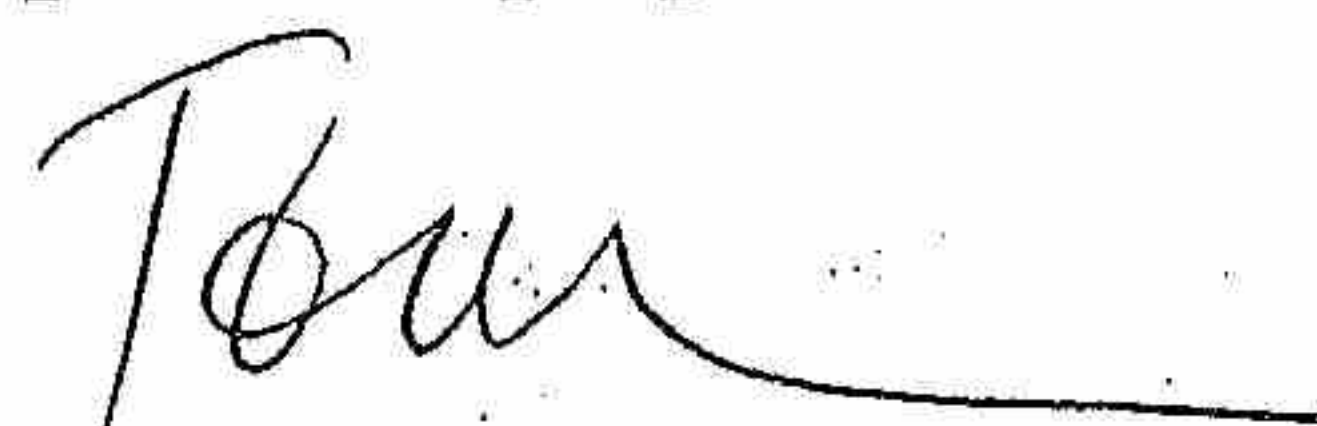
I have checked my records and have found copies of all checks listed as "Deposits" and "Withdrawals" with the exception of one Withdrawal check of 1/6/2000.

The bottom-line answer is that the deposits of \$1,465,000. were far exceeded by the withdrawals of \$1,612,733.89. We received \$147,733.89, monies that were not earnings from stock transactions but were taken from other customers who had invested in what turned out to be a Ponzi Scheme.

To put it in simpler terms, we put in \$1,465,000. We got that back plus so-called investment income of \$147,733, which it is claimed belonged to other persons!

I have today filed an Objection to the first denial and will soon file an Objection to this denial.

Very truly yours,



Thomas E. Brett

MCMDP_00001710

BERNARD L. MADOFF INVESTMENT SECURITIES LLC

In Liquidation

DECEMBER 11, 2008¹

NOTICE OF TRUSTEE'S DETERMINATION OF CLAIM

June 22, 2010

Jennie Brett

Redacted

Dear Jennie Brett:

PLEASE READ THIS NOTICE CAREFULLY.

The liquidation of the business of BERNARD L. MADOFF INVESTMENT SECURITIES LLC ("BLMIS") is being conducted by Irving H. Picard, Trustee under the Securities Investor Protection Act, 15 U.S.C. § 78aaa et seq. ("SIPA"), pursuant to an order entered on December 15, 2008 by the United States District Court for the Southern District of New York.

The Trustee has made the following determination regarding your claim on BLMIS Account No. 1B0192 designated as Claim Number 000047:

Your claim for a credit balance of \$507,230.50 and for securities is **DENIED**. No securities were ever purchased for your account.

Further, based on the Trustee's analysis, the amount of money you withdrew from your account at BLMIS (total of \$1,612,733.89), as more fully set forth in Table 1 annexed hereto and made a part hereof, is greater than the amount that was deposited with BLMIS for the purchase of

¹ Section 78III(7)(B) of SIPA states that the filing date is "the date on which an application for a protective decree is filed under 78eee(a)(3)," except where the debtor is the subject of a proceeding pending before a United States court "in which a receiver, trustee, or liquidator for such debtor has been appointed and such proceeding was commenced before the date on which such application was filed, the term 'filing date' means the date on which such proceeding was commenced." Section 78III(7)(B). Thus, even though the Application for a protective decree was filed on December 15, 2008, the Filing Date in this action is on December 11, 2008.

securities (total of \$1,465,000.00). As noted, no securities were ever purchased by BLMIS for your account. Any and all profits reported to you by BLMIS on account statements were fictitious.

As reflected in Table 1, certain of the transfers into or out of your account have been adjusted. As part of the Trustee's analysis of accounts, the Trustee has assessed accounts based on a money in/money out analysis (i.e., has the investor deposited more or less than he or she withdrew from BLMIS). This analysis allows the Trustee to determine which part of an account's balance is originally invested principal and which part is fictitious gains that were fabricated by BLMIS. A customer's allowed claim is based on the amount of principal in the customer's account.

Whenever a customer requested a transfer from one account to another, the Trustee analyzed whether the transferor account had principal in the account at the time of the transfer. The available principal in the account was transferred to and credited in the transferee account. Thus, the reason that the adjusted amount of transferred deposits or withdrawals in Table 1 is less than the purported transfer amount is that the transferor account did not have sufficient principal available to effectuate the full transfer. The difference between the purported transfer amount and the adjusted transfer amount is the amount of fictitious gain that was transferred to or from your account. Under the money in/money out analysis, the Trustee does not give credit for fictitious gains in settling your allowed claim.

Since there were no profits to use either to purchase securities or to pay you any money beyond the amount that was deposited into your BLMIS account, the amount of money you received in excess of the deposits in your account (\$147,733.89) was taken from other customers and given to you. Accordingly, because you have withdrawn more than was deposited into your account, you do not have a positive "net equity" in your account and you are not entitled to an allowed claim in the BLMIS liquidation proceeding. Therefore, your claim is **DENIED** in its entirety.

On March 1, 2010, the United States Bankruptcy Court for the Southern District of New York (Lifland, J.) issued a decision which affirmed the Trustee's Net Investment Method for determining customer claims. The final resolution of this issue is expected to be determined on appeal.

Should a final and unappealable court order determine that the Trustee is incorrect in his interpretation of "net equity" and its corresponding application to the determination of customer claims, the Trustee will be bound by that order and will apply it retroactively to all previously determined customer claims in accordance with the Court's order. Nothing in this Notice of Trustee's Determination of Claim shall be construed as a waiver of any rights or claims held by you in having your customer claim re-determined in accordance with any such Court order.

PLEASE TAKE NOTICE: If you disagree with this determination and desire a hearing before Bankruptcy Judge Burton R. Lifland, you **MUST** file your written opposition, setting forth the grounds for your disagreement, referencing Bankruptcy Case No. 08-1789 (BRL) and attaching copies of any documents in support of your position, with the United States Bankruptcy Court and the Trustee within **THIRTY DAYS** after June 22, 2010, the date on which the Trustee mailed this notice.

PLEASE TAKE FURTHER NOTICE: If you do not properly and timely file a written opposition, the Trustee's determination with respect to your claim will be deemed confirmed by the Court and binding on you.

PLEASE TAKE FURTHER NOTICE: If you properly and timely file a written opposition, a hearing date for this controversy will be obtained by the Trustee and you will be notified of that hearing date. Your failure to appear personally or through counsel at such hearing will result in the Trustee's determination with respect to your claim being confirmed by the Court and binding on you.

PLEASE TAKE FURTHER NOTICE: You must mail your opposition, if any, in accordance with the above procedure, to each of the following addresses:

Clerk of the United States Bankruptcy Court for
the Southern District of New York
One Bowling Green
New York, New York 10004

and

Irving H. Picard, Trustee
c/o Baker & Hostetler LLP
45 Rockefeller Plaza
New York, New York 10111


Irving H. Picard

Trustee for the Liquidation of the Business of
Bernard L. Madoff Investment Securities LLC

DEPOSITS			
DATE	TRANSACTION DESCRIPTION	AMOUNT	ADJUSTED AMOUNT
7/25/1997	TRANS FROM 1B006010	\$133,464.24	\$0.00
3/30/1999	CHECK	\$35,000.00	\$35,000.00
6/21/1999	CHECK	\$45,000.00	\$45,000.00
8/27/1999	CHECK	\$70,000.00	\$70,000.00
6/26/2000	CHECK	\$115,000.00	\$115,000.00
4/16/2001	CHECK	\$35,000.00	\$35,000.00
8/20/2001	CHECK	\$40,000.00	\$40,000.00
1/11/2002	CHECK	\$140,000.00	\$140,000.00
8/2/2002	CHECK	\$120,000.00	\$120,000.00
9/30/2002	CHECK	\$120,000.00	\$120,000.00
12/6/2002	CHECK	\$55,000.00	\$55,000.00
1/3/2003	CHECK	\$15,000.00	\$15,000.00
8/11/2003	CHECK	\$20,000.00	\$20,000.00
12/31/2003	CHECK	\$10,000.00	\$10,000.00
1/22/2004	CHECK	\$30,000.00	\$30,000.00
4/29/2004	CHECK	\$5,000.00	\$5,000.00
12/13/2004	CHECK	\$20,000.00	\$20,000.00
5/4/2005	CHECK	\$145,000.00	\$145,000.00
8/23/2005	CHECK	\$15,000.00	\$15,000.00
12/5/2005	CHECK	\$10,000.00	\$10,000.00
12/29/2005	CHECK	\$15,000.00	\$15,000.00
1/3/2006	CHECK	\$5,000.00	\$5,000.00
6/28/2006	CHECK	\$10,000.00	\$10,000.00
12/26/2006	CHECK	\$20,000.00	\$20,000.00
12/26/2006	CHECK	\$5,000.00	\$5,000.00
2/20/2007	CHECK	\$25,000.00	\$25,000.00
4/2/2007	CHECK	\$300,000.00	\$300,000.00
9/4/2007	CHECK	\$10,000.00	\$10,000.00
11/21/2007	CHECK	\$10,000.00	\$10,000.00
4/3/2008	CHECK	\$10,000.00	\$10,000.00
8/19/2008	CHECK	\$10,000.00	\$10,000.00
Total Deposits:		\$1,598,464.24	\$1,465,000.00
WITHDRAWALS			
DATE	TRANSACTION DESCRIPTION	AMOUNT	ADJUSTED AMOUNT
10/1/1997	CHECK	(\$4,650.00)	(\$4,650.00)
1/2/1998	CHECK	(\$4,650.00)	(\$4,650.00)
4/1/1998	CHECK	(\$4,650.00)	(\$4,650.00)
7/1/1998	CHECK	(\$4,650.00)	(\$4,650.00)
10/1/1998	CHECK	(\$4,650.00)	(\$4,650.00)

1/4/1999	CHECK	(\$4,650.00)	(\$4,650.00)
4/1/1999	CHECK	(\$4,650.00)	(\$4,650.00)
7/1/1999	CHECK	(\$4,650.00)	(\$4,650.00)
10/1/1999	CHECK	(\$4,650.00)	(\$4,650.00)
10/8/1999	CHECK	(\$8,909.04)	(\$8,909.04)
10/25/1999	CHECK	(\$20,000.00)	(\$20,000.00)
1/6/2000	CHECK	(\$11,254.58)	(\$11,254.58)
4/7/2000	CHECK	(\$13,245.80)	(\$13,245.80)
7/7/2000	CHECK	(\$8,108.34)	(\$8,108.34)
10/11/2000	CHECK	(\$7,983.78)	(\$7,983.78)
1/10/2001	CHECK	(\$7,655.39)	(\$7,655.39)
4/6/2001	CHECK	(\$16,668.21)	(\$16,668.21)
7/9/2001	CHECK	(\$11,049.47)	(\$11,049.47)
10/9/2001	CHECK	(\$9,510.55)	(\$9,510.55)
1/11/2002	CHECK	(\$15,108.98)	(\$15,108.98)
4/10/2002	CHECK	(\$7,135.88)	(\$7,135.88)
4/29/2002	CHECK	(\$200,000.00)	(\$200,000.00)
7/8/2002	CHECK	(\$19,884.19)	(\$19,884.19)
10/7/2002	CHECK	(\$22,544.29)	(\$22,544.29)
1/10/2003	CHECK	(\$12,674.46)	(\$12,674.46)
4/9/2003	CHECK	(\$15,359.22)	(\$15,359.22)
7/8/2003	CHECK	(\$20,223.30)	(\$20,223.30)
10/9/2003	CHECK	(\$25,181.81)	(\$25,181.81)
1/8/2004	CHECK	(\$10,621.95)	(\$10,621.95)
4/8/2004	CHECK	(\$15,635.67)	(\$15,635.67)
7/7/2004	CHECK	(\$24,569.66)	(\$24,569.66)
7/29/2004	CHECK	(\$350,000.00)	(\$350,000.00)
10/7/2004	CHECK	(\$12,279.32)	(\$12,279.32)
11/19/2004	CHECK	(\$10,000.00)	(\$10,000.00)
12/21/2004	CHECK	(\$25,000.00)	(\$25,000.00)
1/7/2005	CHECK	(\$8,242.39)	(\$8,242.39)
4/7/2005	CHECK	(\$8,341.99)	(\$8,341.99)
7/7/2005	CHECK	(\$11,121.57)	(\$11,121.57)
8/3/2005	CHECK	(\$260,000.00)	(\$260,000.00)
10/7/2005	CHECK	(\$7,033.94)	(\$7,033.94)
1/9/2006	CHECK	(\$9,347.44)	(\$9,347.44)
4/7/2006	CHECK	(\$7,901.92)	(\$7,901.92)
7/10/2006	CHECK	(\$8,783.48)	(\$8,783.48)
10/6/2006	CHECK	(\$15,182.74)	(\$15,182.74)
1/8/2007	CHECK	(\$8,857.67)	(\$8,857.67)
4/4/2007	CHECK	(\$8,249.08)	(\$8,249.08)
4/26/2007	CHECK	(\$5,000.00)	(\$5,000.00)
5/22/2007	CHECK	(\$5,000.00)	(\$5,000.00)
6/15/2007	CHECK	(\$5,000.00)	(\$5,000.00)
7/6/2007	CHECK	(\$20,058.03)	(\$20,058.03)
7/10/2007	CHECK	(\$200,000.00)	(\$200,000.00)
10/4/2007	CHECK	(\$15,920.34)	(\$15,920.34)
1/8/2008	CHECK	(\$12,168.78)	(\$12,168.78)

1/29/2008	CHECK	(\$5,000.00)	(\$5,000.00)
4/7/2008	CHECK	(\$4,152.88)	(\$4,152.88)
6/2/2008	CHECK	(\$10,000.00)	(\$10,000.00)
7/7/2008	CHECK	(\$27,390.47)	(\$27,390.47)
10/6/2008	CHECK	(\$7,527.28)	(\$7,527.28)
Total Withdrawals:		(\$1,612,733.89)	(\$1,612,733.89)
Total deposits less withdrawals:		(\$14,269.65)	(\$147,733.89)

June 19 - July 21, 2004

Page 5 of 5

647-00647-B014-00647-

-001-1-01

Primary Account Number: **Redacted** 09-65

Rosalinda Masaluno 172
Redacted 06/29/2004
Pay to the order of *THOMAS E. BERT, Esq.* \$10,000.00
TEN THOUSAND AND 00/100
CHASE Johnson City Bank
100-15 Court Street
Johnson City, NY 13797
No. *Rosalinda Masaluno*
⑆021000021 **Redacted** 0985 0172 ⑆000100000⑆

CHECK # 0172 \$10,000.00 PAID 06/29

Rosalinda Masaluno 174
Redacted 07/08/2004
Pay to the order of *VERIZON Wireless* \$73.19
SEVENTY THREE AND 19/100
CHASE Johnson City Bank
100-15 Court Street
Johnson City, NY 13797
No. *Rosalinda Masaluno*
⑆021000021 **Redacted** 0985 0174 ⑆0000007319⑆

CHECK # 0174 \$73.19 PAID 07/08

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MCMDP_00001718

November 20 - December 20, 2004

Page 5 of 5

647-00647-B014-00647-

-001-1-01

Primary Account Number: Redacted 09-65

Redacted 195
11/20/04
Pay to the order of BANK ONE \$100.00
ONE HUNDRED AND 00/100
CHASE
Redacted
10021000021 Redacted 0965# 0195 000000100000

CHECK # 0195 \$100.00 PAID 11/26

Redacted 186
11/20/04
Pay to the order of PRO TOUCH TONE COMMUNICATIONS \$1.28
ONE AND 28/100
CHASE
Redacted
10021000021 Redacted 0965# 0196 0000000128

CHECK # 0196 \$1.28 PAID 11/24

Redacted 197
11/23/04
Pay to the order of THOMAS E. BERRY, ESQ. \$15,000.00
FIFTEEN THOUSAND AND 00/100
CHASE
Redacted
10021000021 Redacted 0965# 0197 000150000000

CHECK # 0197 \$15,000.00 PAID 11/30

Redacted 198
11/29/04
Pay to the order of PICKMAN REALTY CORP. \$250.00
TWO HUNDRED FIFTY AND 00/100
CHASE
Redacted
10021000021 Redacted 0965# 0198 000000250000

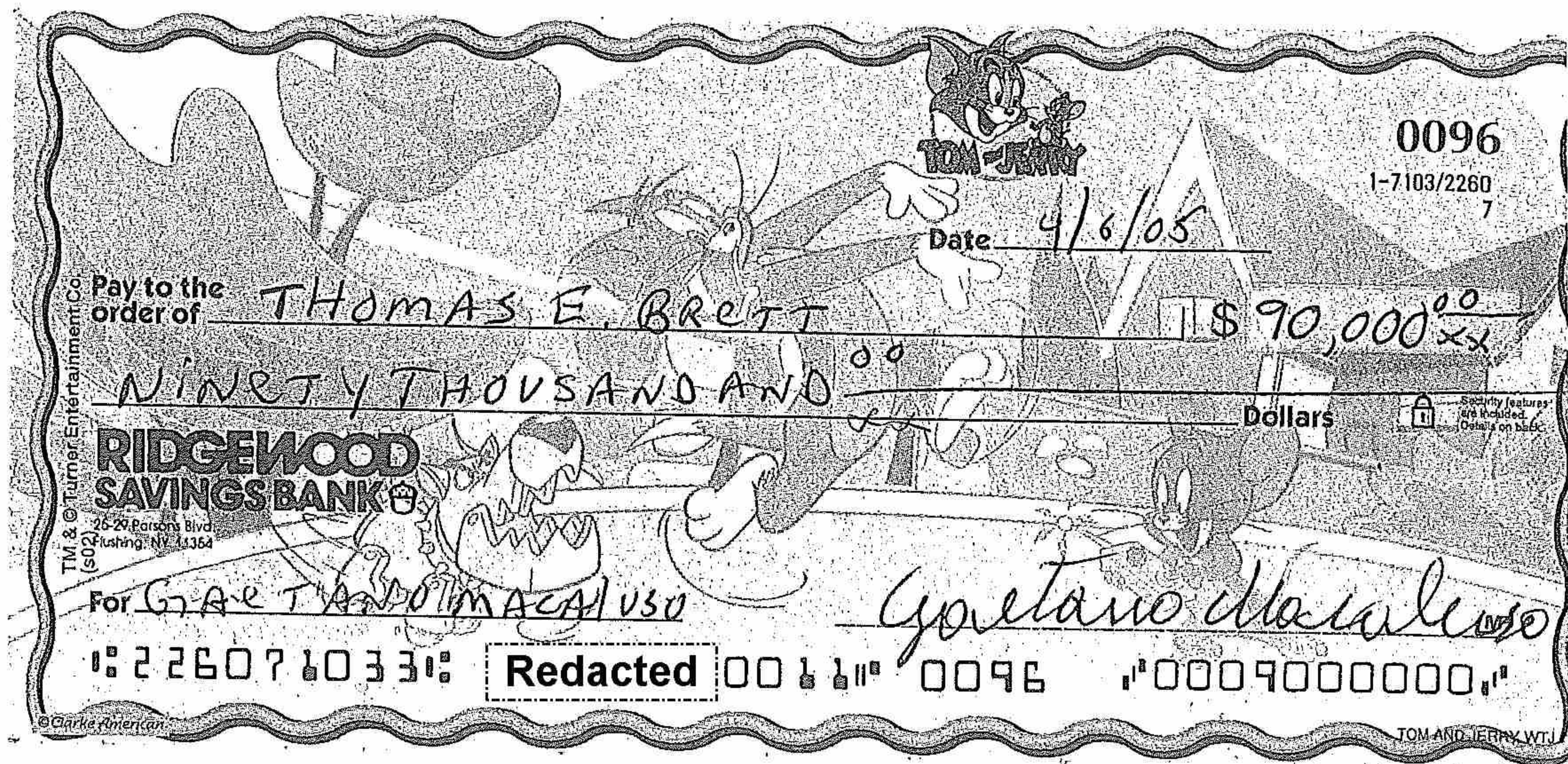
CHECK # 0198 \$250.00 PAID 11/30

Redacted 199
12/06/04
Pay to the order of PROFESSIONAL MORTGAGE SOLUTIONS \$350.00
THREE HUNDRED FIFTY AND 00/100
CHASE
Redacted
10021000021 Redacted 0965# 0199 000000350000

CHECK # 0199 \$350.00 PAID 12/06

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MCMDP_00001719



JOSEPH MACALUSO ROSALINDA MACALUSO		198
Redacted		Date <u>4/6/05</u> 1-7103/2260 7
Pay to the Order of	<u>THOMAS E. BRETT, ESQ.</u>	\$ <u>40,000⁰⁰/₁₀₀</u>
<u>FORTY THOUSAND AND 00/100</u>		Dollars
RIDGEWOOD SAVINGS BANK <small>25-29 Parsons Blvd. Flushing, NY 11354</small>		
For	<u>ROSALINDA MACALUSO</u>	<u>Rosalinda Macaluso</u> NP
⑆ 226071033⑆		Redacted 0831 0198 ⑆0004000000⑆
<small>© 2004 American</small>		<small>DIMENSIONS: 4 1/2" x 7 1/2"</small>

November 22 - December 20, 2005

Page 6 of 6

647-00647-B014-00647-

-002-1-01

Redacted 09-65

1974 258
Rosalinda Macaluso
Redacted 5 05 112503 186200377/03/05
FBI - Times Square CAGH OF NYC 1825²⁹
TWENTY FIVE AND 25
Johanna Diana Bank
100 - 10 Court Ward Parkway
Whispering 02 11257
Redacted Rosalinda Macaluso
For # Redacted
#0210000214 Redacted 09654 0259 100000015006

CHECK # 0259 \$25.06 PAID 11/25

Rosalia Macaluso

Redacted

1970 261

Nov. 11/27/05

To: THOMAS E. BRETT, Esq., \$18,000.⁰⁰-
TEN THOUSAND AND ⁰⁰/₁₀₀

AP Morgan Chase Bank
182 15 Ohio Blvd. Portery,
Baltimore 37 17021

(1)

0020000214 Redacted 09654 0261 0000000000

CHECK # 0261 \$10,000.00 PAID 12/01

560023222 02 121505 168200079 262

Domestic Mailbox

Redacted

12/13/05

In To ~~Local Time~~ ~~never cash of any~~ \$ ~~20.00~~²⁰

~~ONE HUNDRED TWENTY AND~~ ~~xx~~

Michigan State Bank
100 - 10 Green Road Parkway
Livestock Mt 11007

M-144 Redacted

Local In Macabuso =
10 210000 114 Redacted 0755 0267 000000 120204

CHECK # 0262 \$120.20 PAID 12/16

143
 Redacted
 \$204.00
 CHASE
 Redacted
 Redacted
 143

CHECK # 0143 \$204.00 PAID 11/22

144
 Redacted
 1897^{EE}
 CON EDISON
 ONE HUNDRED NINETY SEVEN AND 25/100
 CHASE
 National Bank & Trust Co.
 Redacted
 100200002312 Redacted 52650 0144 00000197667

CHECK # 0144 \$197.66 PAID 11/28

145
 11/11/85
 CONFIDENTIAL
 ONE HUNDRED FORTY ONE AND 2/3
 CHASE
 16-24
 210000211
 2658
 0345 #0000014126

CHECK # 0145 \$141.24 PAID 11/28

146
 Redacted
 00 11/1/85
 THE TOUCH TONE COMMUNICATIONS CO. 35 21
 FIVE AND 31
 CHASE
 NATIONAL TRUST BANK, N.A.
 Redacted
 001000021 Redacted 0146 000000058 17

CHECK # 0146 \$5.81 PAID 11/22

147
 Redacted
 NYC Department of Finance \$95.00
 RINITY FIVE
 CHASE Tax 1009450953
 1009450953
 Redacted
 Redacted \$265 1000004500

CHECK # 0147 \$95.00 PAID 11/22

Rosalinda Morales
 Redacted
 11/23/05
 148
 ST. JOHN'S UNIVERSITY
 ONE THOUSAND THIRTY EIGHT
 CHASE
 1000002
 Redacted
 148
 10000103000

CHECK # 0148 \$1,030.00 PAID 11/29

Rosaleine Macabao

Redacted

149
the 12/6/05

Progr Verizon Wireless

ONE HUNDRED TWENTY SIX AND 78

CHASE
International Bank, Ltd.
100 Bank St New York
NY 10038

109305093

Rosaleine Macabao

NO 210000 2419071334 685 265# 0149 10000012678#

CHECK # 0149 \$126.78 PAID 12/13

150
 Redacted
 12/12/5
 NYC DEPARTMENT OF FINANCE 565
 SIXTY FIVE AVE 90
 CHASE
 NEW YORK
 754-43377
 002100002147071341A5265 0150 00000006500

CHECK # 0150 \$65.00 PAID 12/16

Handwritten: *Handwritten* 151

Redacted

on 12/10/85

Pres. Carl E. Olson for NY Inc. 81785

add 11/10/85 secret 2 right and

CHASE
Chase Bank Corp. N.Y.
111 Wall St. N.Y. 10038

11/23/85 7:11/47 00056 Rashedi, Mawla

NO 2100002147078341852550 0151 100000178027

CHECK # 0151 \$178.02 PAID 12/20

Winnipeg, Manitoba
 Redacted
 Date 11/13/84 Page 152
 New Can Ed. Soc. Co. OC NY Inc. 18303
 THREE HUNDRED THIRTY AND ONE
 CHASE
 Anderson Chas. Bank, N.A.
 Fort Wayne
 Indiana 46802
 Redacted
 Rosalind Macaluso
 0021000021 Redacted 5265 0152 0000030336

CHECK # 0152 \$303.36 PAID 12/20

12/16/78 12:15 PM 189
Amelia Roach
Redacted
on 12/16/78
 PREP CHASE CARD SERVICES \$18.00
 EIGHTEEN AND 00
 CHASE 5401689010294996 000180
 121605 2608TECPAD
 CHASE CHASE BANK N.A.
Amelia Roach
Redacted
 40210000216 **Redacted** 5265 0153 0000001000

CHECK # 0153 \$18.00 PAID 12/19

Charles H. Hatcher
Redacted *71194* *164*

on 12/13/85

Mrs. Olympian Fuel Oil Corp. *\$285.00*
TWO THOUSAND FIFTY FIVE AND NO/100 *May 11 1986*

CHASE
Regional Office Bank N.A.
CHARGE
THAT REDACTED I
Roseline M. Scales

0210000216 *Redacted* *5165** *0154 0000025584**

CHECK # 0154 \$255.89 PAID 12/16

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MCMDP 00001722

December 21 - January 23, 2006

Page 7 of 7

647-00647-B014-00647-

-002-1-01

Redacted 09-65

Check # 0263, \$3.00, PAID 01/05. Payee: THOMAS E. BRETT. Amount: THREE AND 00/100. Bank: JPMorgan Chase Bank.

Check # 0264, \$15,000.00, PAID 12/27. Payee: THOMAS E. BRETT. Amount: FIFTEEN THOUSAND AND 00/100. Bank: JPMorgan Chase Bank.

Check # 0265, \$100.00, PAID 01/04. Payee: THOMAS E. BRETT. Amount: ONE HUNDRED AND 00/100. Bank: JPMorgan Chase Bank.

Check # 0267, \$825.95, PAID 01/03. Payee: THOMAS E. BRETT. Amount: EIGHT HUNDRED TWENTY FIVE AND 95/100. Bank: JPMorgan Chase Bank.

Check # 0268, \$120.20, PAID 01/19. Payee: THOMAS E. BRETT. Amount: ONE HUNDRED TWENTY AND 20/100. Bank: JPMorgan Chase Bank.

Check # 0269, \$7.45, PAID 01/23. Payee: THOMAS E. BRETT. Amount: SEVEN AND 45/100. Bank: JPMorgan Chase Bank.

Check # 0155, \$881.80, PAID 12/21. Payee: NYC DEPT. OF FINANCE. Amount: EIGHT HUNDRED EIGHTY ONE AND 80/100. Bank: CHASE.

Check # 0156, \$930.00, PAID 12/21. Payee: NYC DEPT. OF FINANCE. Amount: NINE HUNDRED THIRTY AND 00/100. Bank: CHASE.

Check # 0157, \$121.59, PAID 12/28. Payee: MACY'S. Amount: ONE HUNDRED TWENTY ONE AND 59/100. Bank: CHASE.

Check # 0158, \$175.00, PAID 12/29. Payee: CHASE. Amount: ONE HUNDRED SEVENTY FIVE AND 00/100. Bank: CHASE.

Check # 0159, \$37.97, PAID 01/12. Payee: O.T.H. ORPHAN MAGAZINE. Amount: THIRTY SEVEN AND 97/100. Bank: CHASE.

Check # 0160, \$170.94, PAID 01/05. Payee: NYC WATER BOARD. Amount: ONE HUNDRED SEVENTY AND 94/100. Bank: CHASE.

Check # 0161, \$54.13, PAID 01/05. Payee: NYC WATER BOARD. Amount: FIFTY FOUR AND 13/100. Bank: CHASE.

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MCMDP_00001723



November 21, 2006 through December 20, 2006

Primary Account: **Redacted** 5265

IMAGES

ACCOUNT # **Redacted** 5265

Rosalinda Macaluso
Redacted 12/4/06 223
NYC DEPT. OF FINANCE \$777.72
NINE HUNDRED NINETY SEVEN AND 72/100
CHASE 120606 463066 04 001 092
Redacted Rosalinda Macaluso
008970758372 DEC 07 #0000000223 \$997.72

Rosalinda Macaluso
Redacted 12/4/06 224
NYC DEPT. OF FINANCE \$877.15
EIGHT HUNDRED SEVENTY NINE AND 15/100
CHASE 120606 463105 07 001 048
Redacted Rosalinda Macaluso
008970759415 DEC 07 #0000000224 \$879.15

Rosalinda Macaluso
Redacted 12/4/06 219
UNITED STATES TREASURY \$500.00
FIVE HUNDRED AND 00/100
CHASE 2006 Form 1040 ES
Redacted Rosalinda Macaluso
008370659931 DEC 07 #0000000219 \$500.00

Rosalinda Macaluso
Redacted 12/4/06 220
NYS INCOME TAX \$200.00
TWO HUNDRED AND 00/100
CHASE 2006 IT
Redacted Rosalinda Macaluso
008770877613 DEC 07 #0000000220 \$200.00

Rosalinda Macaluso
Redacted 12/4/06 221
VERIZON WIRELESS \$122.69
ONE HUNDRED TWENTY TWO AND 69/100
CHASE 001200 6853 017 100002737 NJ
Redacted Rosalinda Macaluso
008370868388 DEC 07 #0000000221 \$122.69

Rosalinda Macaluso
Redacted 12/4/06 222
TOUCH TONE COMMUNICATIONS \$2.83
TWO AND 83/100
CHASE
Redacted Rosalinda Macaluso
008670363109 DEC 08 #0000000222 \$2.83

Rosalinda Macaluso
Redacted 12/12/06 226
CON EDISON CO. OF NY INC. \$163.88
ONE HUNDRED SIXTY THREE AND 88/100
CHASE
Redacted Rosalinda Macaluso
008370103360 DEC 15 #0000000226 \$163.88

Rosalinda Macaluso
Redacted 12/12/06 225
CON EDISON CO. OF NY INC. \$138.76
ONE HUNDRED THIRTY EIGHT AND 76/100
CHASE
Redacted Rosalinda Macaluso
008370103439 DEC 15 #0000000225 \$138.76

Rosalinda Macaluso
Redacted 12/19/06 227
THOMAS E. BRETHERTON, ESQ. \$20,000.00
TWENTY THOUSAND AND 00/100
CHASE
Redacted Rosalinda Macaluso
006370810732 DEC 20 #0000000227 \$20,000.00

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March 21, 2007 through April 19, 2007
Primary Account: **Redacted** 0965

IMAGES

ACCOUNT # **Redacted** 0965

12-210 340
Rosalinda Macaluso
Redacted Date 2/27/07
Pay To The Order Of AMVERSEV \$106¹⁴
ONE HUNDRED SIX AND 14/100 Dollars
JPMorgan Chase Bank
153 - 15 Cross Island Parkway
Whitestone, NY 11357
By MARCH PARKING Rosalinda Macaluso
⑆021000021⑆ **Redacted** 0965⑆ 0340 ⑈0000010614⑈
218-3288
009170013807 MAR 23 #0000000340 \$106.14

12-210 349
Rosalinda Macaluso
Redacted Date 3/03/07
Pay To The Order Of THOMAS E. BERTY, ESQ. \$300,000⁰⁰
THREE HUNDRED THOUSAND AND 00/100 Dollars
JPMorgan Chase Bank
153 - 15 Cross Island Parkway
Whitestone, NY 11357
By Rosalinda Macaluso
⑆021000021⑆ **Redacted** 0965⑆ 0349 ⑈0000000000⑈
005970516045 MAR 26 #0000000349 \$300,000.00

12-210 351
Rosalinda Macaluso
Redacted Date 4/1/07
Pay To The Order Of AMVERSEV ASSOCIATES INC. \$106¹⁴
ONE HUNDRED SIX AND 14/100 Dollars
JPMorgan Chase Bank
153 - 15 Cross Island Parkway
Whitestone, NY 11357
By ISR Rosalinda Macaluso
⑆021000021⑆ **Redacted** 0965⑆ 0351 ⑈0000010614⑈
008370717603 APR 04 #0000000351 \$106.14

12-210 352
Rosalinda Macaluso
Redacted Date 4/1/07
Pay To The Order Of TIME WARNER CABLE OF NYC \$115²⁵
ONE HUNDRED FIFTEEN AND 25/100 Dollars
JPMorgan Chase Bank
153 - 15 Cross Island Parkway
Whitestone, NY 11357
By Redacted Rosalinda Macaluso
⑆021000021⑆ **Redacted** 0965⑆ 0352 ⑈0000011525⑈
008570576882 APR 04 #0000000352 \$115.25

12-210 353
Rosalinda Macaluso
Redacted Date 4/1/07
Pay To The Order Of NYS INCOME TAX \$1,256⁰⁰
TWELVE HUNDRED FIFTY SIX AND 00/100 Dollars
JPMorgan Chase Bank
153 - 15 Cross Island Parkway
Whitestone, NY 11357
By Redacted IT-2014 Rosalinda Macaluso
⑆021000021⑆ **Redacted** 0965⑆ 0353 ⑈0000125600⑈
009070791086 APR 05 #0000000353 \$1,256.00

12-210 354
Rosalinda Macaluso
Redacted Date 4/1/07
Pay To The Order Of UNITED STATES TREASURY \$3,506⁰⁰
THIRTY FIVE HUNDRED SIX AND 00/100 Dollars
JPMorgan Chase Bank
153 - 15 Cross Island Parkway
Whitestone, NY 11357
By Redacted Rosalinda Macaluso
⑆021000021⑆ **Redacted** 0965⑆ 0354 ⑈0000150600⑈
008970817536 APR 06 #0000000354 \$3,506.00

12-210 355
Rosalinda Macaluso
Redacted Date 4/1/07
Pay To The Order Of NYS INCOME TAX \$400⁰⁰
FOUR HUNDRED AND 00/100 Dollars
JPMorgan Chase Bank
153 - 15 Cross Island Parkway
Whitestone, NY 11357
By 2007 IT-2105 **Redacted** Rosalinda Macaluso
⑆021000021⑆ **Redacted** 0965⑆ 0355 ⑈0000040000⑈
008670852692 APR 04 #0000000355 \$400.00

12-210 356
Rosalinda Macaluso
Redacted Date 4/1/07
Pay To The Order Of UNITED STATES TREASURY \$1,000⁰⁰
ONE THOUSAND AND 00/100 Dollars
JPMorgan Chase Bank
153 - 15 Cross Island Parkway
Whitestone, NY 11357
By 2007 Form 1040-ES **Redacted** Rosalinda Macaluso
⑆021000021⑆ **Redacted** 0965⑆ 0356 ⑈0000100000⑈
008970816431 APR 06 #0000000356 \$1,000.00

12-210 357
Rosalinda Macaluso
Redacted Date 4/1/07
Pay To The Order Of SCHWARTZ ACCOUNTING INC. \$275⁰⁰
TWO HUNDRED SEVENTY FIVE AND 00/100 Dollars
JPMorgan Chase Bank
153 - 15 Cross Island Parkway
Whitestone, NY 11357
By 2006 TAX PREPARATION Rosalinda Macaluso
⑆021000021⑆ **Redacted** 0965⑆ 0357 ⑈0000027500⑈
008870441549 APR 09 #0000000357 \$275.00

12-210 359
Rosalinda Macaluso
Redacted Date 4/17/07
Pay To The Order Of ALEX PRIVILEGI \$300⁰⁰
THREE HUNDRED AND 00/100 Dollars
JPMorgan Chase Bank
153 - 15 Cross Island Parkway
Whitestone, NY 11357
By GRAD. PARTY DEPOSIT Rosalinda Macaluso
⑆021000021⑆ **Redacted** 0965⑆ 0359 ⑈0000030000⑈
008970659936 APR 19 #0000000359 \$300.00

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October 20, 2007 through November 21, 2007

Primary Account: **Redacted** 5265

IMAGES

ACCOUNT # **Redacted** 5265

Rosalinda Macaluso 11/5/07 110
Redacted
PAY TO THE ORDER OF *AMERICAN PSYCHOLOGICAL ASSOCIATION* \$51.00
FIFTY ONE AND 00/100
CHASE
17 Morgan Chase Bank, N.A.
New York, New York 10017
www.Chase.com
MEMO *2008 AIA MEMBERSHIP* *Rosalinda Macaluso*
⑆021000021⑆ **Redacted** 5265⑆0110 ⑆0000009100⑆
008870176911 NOV 09 #0000000110 \$51.00

Rosalinda Macaluso 11/19/07 112
Redacted
PAY TO THE ORDER OF *OLYMPIAN FUEL OIL CORP* \$487.69
FOUR HUNDRED EIGHTY SEVEN AND 69/100
CHASE
17 Morgan Chase Bank, N.A.
New York, New York 10017
www.Chase.com
MEMO #71174 *Rosalinda Macaluso*
⑆021000021⑆ **Redacted** 5265⑆0112 ⑆0000004769⑆
008670037012 NOV 07 #0000000112 \$487.69

Rosalinda Macaluso 11/12/07 113
Redacted
PAY TO THE ORDER OF *CON EDISON CO. OF NY, INC.* \$155.07
ONE HUNDRED FIFTY FIVE AND 07/100
CHASE
17 Morgan Chase Bank, N.A.
New York, New York 10017
www.Chase.com
MEMO #233574104700076 *Rosalinda Macaluso*
⑆021000021⑆ **Redacted** 5265⑆0113 ⑆00000015507⑆
008870853349 NOV 15 #0000000113 \$155.07

Rosalinda Macaluso 11/12/07 114
Redacted
PAY TO THE ORDER OF *CON EDISON CO. OF NY, INC.* \$135.89
ONE HUNDRED THIRTY FIVE AND 89/100
CHASE
17 Morgan Chase Bank, N.A.
New York, New York 10017
www.Chase.com
MEMO #233574103400027 *Rosalinda Macaluso*
⑆021000021⑆ **Redacted** 5265⑆0114 ⑆0000001589⑆
008870853319 NOV 15 #0000000114 \$135.89

Rosalinda Macaluso 11/16/07 115
Redacted
PAY TO THE ORDER OF *THOMAS F. BRETT* \$10,000.00
TEN THOUSAND AND 00/100
CHASE
17 Morgan Chase Bank, N.A.
New York, New York 10017
www.Chase.com
MEMO *ADDITION TO INVESTMENT* *Rosalinda Macaluso*
⑆021000021⑆ **Redacted** 5265⑆0115
009670501763 NOV 19 #0000000115 \$10,000.00

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July 22, 2008 through August 20, 2008
Primary Account: 000907134185265

IMAGES

ACCOUNT # 000907134185265

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Rosalinda Macaluso 1-2 647 210 907134185265 165
DATE 8/12/08
Redacted
PAY TO THE ORDER OF THOMAS E. BRETT, ESQ. \$10,000.00
TEN THOUSAND AND 00/100
CHASE
JPMorgan Chase Bank, N.A.
New York, New York 10017
www.Chase.com
MEMO ADDITION TO ASCT Rosalinda Macaluso
00210000214 Redacted 526510165
004170542985 AUG 13 #0000000165 \$10,000.00

Rosalinda Macaluso 1-2 647 210 907134185265 166
DATE 8/14/08
Redacted
PAY TO THE ORDER OF CON EDISON CO. OF NY INC. \$184.27
ONE HUNDRED EIGHTY FOUR AND 27/100
CHASE
JPMorgan Chase Bank, N.A.
New York, New York 10017
www.Chase.com
MEMO Redacted Rosalinda Macaluso
00210000214 Redacted 526510166 00000018427
005480786235 AUG 18 #0000000166 \$184.27



Rosalinda Macaluso 1-2 647 210 907134185265 167
DATE 8/14/08
Redacted
PAY TO THE ORDER OF CON EDISON CO. OF NY INC. \$256.54
TWO HUNDRED FIFTY SIX AND 54/100
CHASE
JPMorgan Chase Bank, N.A.
New York, New York 10017
www.Chase.com
MEMO Redacted Rosalinda Macaluso
00210000214 Redacted 526510167 00000025654
005480787680 AUG 18 #0000000167 \$256.54

THOMAS E. BRETT
ATTORNEY AT LAW

(718) 263-0123

SUITE 311
125-10 QUEENS BOULEVARD
KEW GARDENS, N.Y. 11415

January 19, 2006

Mr. Gaetano Macaluso
c/o Rosalinda Macaluso

Redacted

Dear Tom:

I enclose herewith my check for \$1,800 which amounts to 8% on \$90,000 for the period October 1, 2005 to December 31, 2005.

I also enclose a check to Rosalinda's order in the sum of \$2,400 which amounts to 8% on \$120,000 for the period October 1, 2005 to December 31, 2005.

Very truly yours,



Thomas E. Brett

ms
encl.

MCMDP_00001729

THOMAS E. BRETT
ATTORNEY AT LAW

(718) 263-0123

SUITE 311
125-10 QUEENS BOULEVARD
KEW GARDENS, N.Y. 11415

January 19, 2006

Rosalinda Macaluso

Redacted

Dear Rosalinda:

I enclose herewith my check for \$67 which amounts to 8% on \$10,000 for the period December 1, 2005 to December 31, 2005.

Very truly yours,



Thomas E. Brett

ms
encl.

MCMDP_00001730

08-01789-cgm Doc 16634-5 Filed 09/14/17 Entered 09/14/17 17:42:59 Exhibit 5
Pg 33 of 55

THOMAS E. BRETT
ATTORNEY AT LAW

(718) 263-0123

SUITE 311
125-10 QUEENS BOULEVARD
KEW GARDENS, N.Y. 11415

April 17, 2006

Mr. Gaetano Macaluso
c/o Rosalinda Macaluso

Redacted

Dear Tom:

I enclose herewith my check for \$1,800 which amounts to 8% on \$90,000 for the period January 1, 2006 to March 31, 2006.

I also enclose a check to Rosalinda's order in the sum of \$2,700 which amounts to 8% on \$135,000 for the period January 1, 2006 to March 31, 2006.

Very truly yours,



Thomas E. Brett

ms
encl.

MCMDP_00001731

THOMAS E. BRETT
ATTORNEY AT LAW

(718) 263-0123

SUITE 311
125-10 QUEENS BOULEVARD
KEW GARDENS, N.Y. 11415

April 17, 2006

Rosalinda Macaluso

Redacted

Dear Rosalinda:

I enclose herewith my check for \$200 which amounts to 8% on \$10,000 for the period January 1, 2006 to March 31, 2006.

Very truly yours,


Thomas E. Brett

ms
encl.

MCMDP_00001732

THOMAS E. BRETT
ATTORNEY AT LAW

(718) 263-0123

SUITE 311
125-10 QUEENS BOULEVARD
KEW GARDENS, N.Y. 11415

July 18, 2006

Mr. Gaetano Macaluso
c/o Rosalinda Macaluso

Redacted

Dear Tom:

I enclose herewith my check for \$1,800 which amounts to 8% on \$90,000 for the period April 1, 2006 to June 30, 2006.

I also enclose a check to Rosalinda's order in the sum of \$2,700 which amounts to 8% on \$135,000 for the period April 1, 2006 to June 30, 2006.

Very truly yours,



Thomas E. Brett

ms
encl.

MCMDP_00001733

THOMAS E. BRETT
ATTORNEY AT LAW

(718) 263-0123

SUITE 311
125-10 QUEENS BOULEVARD
KEW GARDENS, N.Y. 11415

July 18, 2006

Rosalinda Macaluso

Redacted

Dear Rosalinda:

I enclose herewith my check for \$200 which amounts to 8% on \$10,000 for the period April 1, 2006 to June 30, 2006.

Very truly yours,



Thomas E. Brett

ms
encl.

MCMDP_00001734

THOMAS E. BRETT
ATTORNEY AT LAW

(718) 263-0123

SUITE 311
125-10 QUEENS BOULEVARD
KEW GARDENS, N.Y. 11415

October 16, 2006

Mr. Gaetano Macaluso
c/o Rosalinda Macaluso

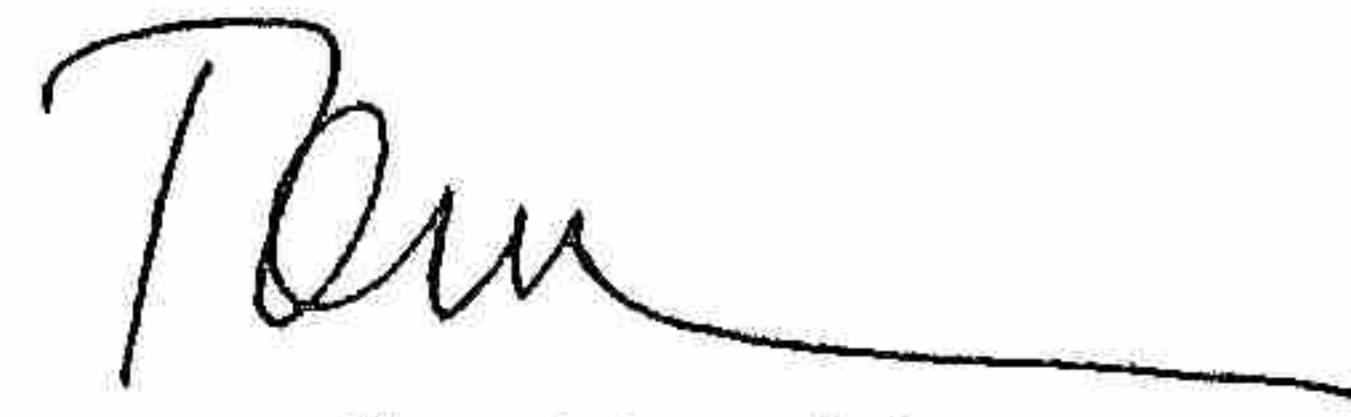
Redacted

Dear Tom:

I enclose herewith my check for \$2,250 which amounts to 10% on \$90,000 for the period July 1, 2006 to September 30, 2006.

I also enclose a check to Rosalinda's order in the sum of \$3,625 which amounts to 10% on \$145,000 for the period July 1, 2006 to September 30, 2006.

Very truly yours,



Thomas E. Brett

ms
encl.

MCMDP_00001735

THOMAS E. BRETT
ATTORNEY AT LAW

(718) 263-0123

SUITE 311
125-10 QUEENS BOULEVARD
KEW GARDENS, N.Y. 11415

October 16, 2006

Rosalinda Macaluso

Redacted

Dear Rosalinda:

I enclose herewith my check for \$250 which amounts to 10% on \$10,000 for the period July 1, 2006 to September 30, 2006.

Very truly yours,



Thomas E. Brett

ms
encl.

MCMDP_00001736

THOMAS E. BRETT
ATTORNEY AT LAW

(718) 263-0123

SUITE 311
125-10 QUEENS BOULEVARD
KEW GARDENS, N.Y. 11415

January 22, 2007

Mr. Gaetano Macaluso
c/o Rosalinda Macaluso

Redacted

Dear Tom:

I enclose herewith my check for \$2,700 which amounts to 12% on \$90,000 for the period October 1, to December 31, 2006.

I also enclose a check to Rosalinda's order in the sum of \$4,350 which amounts to 12% on \$145,000 for the period October 1, to December 31, 2006.

Very truly yours,



Thomas E. Brett

ms
encl.

MCMDP_00001737

THOMAS E. BRETT
ATTORNEY AT LAW

(718) 263-0123

SUITE 311
125-10 QUEENS BOULEVARD
KEW GARDENS, N.Y. 11415

January 22, 2007

Rosalinda Macaluso

Redacted

Dear Rosalinda:

I enclose herewith my check for \$300 which amounts to 12% on \$10,000 for the period October 1, to December 31, 2006.

Very truly yours,


Thomas E. Brett

ms
encl.

MCMDP_00001738

THOMAS E. BRETT
ATTORNEY AT LAW

(718) 263-0123

SUITE 311
125-10 QUEENS BOULEVARD
KEW GARDENS, N.Y. 11415

April 18, 2007

Mr. Gaetano Macaluso
c/o Rosalinda Macaluso

Redacted

Dear Tom:

I enclose herewith my check for \$2,250 which amounts to 10% on \$90,000 for the period January 1, 2007 to March 31, 2007.

I also enclose a check to Rosalinda's order in the sum of \$4,375 which consists of \$4,125 based upon 10% on \$165,000 for the period January 1, 2007 to March 31, 2007 and \$250 based upon 10% on \$20,000 for the period February 15, 2007 to March 31, 2007.

Very truly yours,



Thomas E. Brett

ms
encl.

MCMDP_00001739

THOMAS E. BRETT
ATTORNEY AT LAW

(718) 263-0123

SUITE 311
125-10 QUEENS BOULEVARD
KEW GARDENS, N.Y. 11415

April 18, 2007

Rosalinda Macaluso

Redacted

Dear Rosalinda:

I enclose herewith my check for \$250 which amounts to 10% on \$10,000 for the period January 1, 2007 to March 31, 2007.

Very truly yours,

Tom

Thomas E. Brett

ms
encl.

MCMDP_00001740

08-01789-cgm Doc 16634-5 Filed 09/14/17 Entered 09/14/17 17:42:59 Exhibit 5
Pg 43 of 55

THOMAS E. BRETT
ATTORNEY AT LAW

(718) 263-0123

SUITE 311
125-10 QUEENS BOULEVARD
KEW GARDENS, N.Y. 11415

July 18, 2007

Mr. Gaetano Macaluso
c/o Rosalinda Macaluso

Redacted

Dear Tom:

I enclose herewith my check for \$1,861 which amounts to 10% on \$90,000 for 2/3 of the month of April (\$500) and 10% on \$70,000 for 1/3 of April and for the months of May and June (\$1361).

I sent Rosalinda's check for \$4,917 which was for 10% on \$185,000 for April, May and June [\$4,625] and for 10% on \$15,000 for 2-1/3 months (April 20 - June 30) [\$292] to her to satisfy her mortgage bank that she has assets totaling \$510,000.

Very truly yours,



Thomas E. Brett

ms
encl.

MCMDP_00001741

08-01789-cgm Doc 16634-5 Filed 09/14/17 Entered 09/14/17 17:42:59 Exhibit 5
Pg 44 of 55

THOMAS E. BRETT
ATTORNEY AT LAW

(718) 263-0123

SUITE 311
125-10 QUEENS BOULEVARD
KEW GARDENS, N.Y. 11415

July 16, 2007

Ms. Rosalinda Macaluso

Redacted

Dear Rosalinda:

I enclose herewith my check to your order in the sum of \$4,917 which amounts to 10% on \$185,000 for 3 months (April-June) and on \$15,000 for 2-1/3 months (April 20 - June 30).

On your second account I enclose my check to your order in the sum of \$7,750 which amounts to 10% on \$310,000 for 3 months (April-June).

Pursuant to your instructions I have withdrawn \$200,000 as of July 10th from your second account for your use in purchasing apartment 10S in your building at 18-15 215th Street, Bayside, N.Y.

Very truly yours,


Thomas E. Brett

ms
encl.

MCMDP_00001742

THOMAS E. BRETT
ATTORNEY AT LAW

(718) 263-0123

SUITE 311
125-10 QUEENS BOULEVARD
KEW GARDENS, N.Y. 11415

October 16, 2007

Mr. Gaetano Macaluso
c/o Rosalinda Macaluso

Redacted

Dear Tom:

I enclose herewith my check for \$1,750 which amounts to 10% on \$70,000 for July 1, 2007 to September 30, 2007.

I also enclose a check for Rosalinda for \$5,000 which amounts to 10% on \$200,000 for July 1, 2007 to September 30, 2007.

Very truly yours,



Thomas E. Brett

ms
encl.

MCMDP_00001743

THOMAS E. BRETT
ATTORNEY AT LAW

(718) 263-0123

SUITE 311
125-10 QUEENS BOULEVARD
KEW GARDENS, N.Y. 11415

October 16, 2007

Ms. Rosalinda Macaluso

Redacted

Dear Rosalinda:

I enclose herewith my check to your order in the sum of \$556 which is 10% on \$200,000 for July 1 to July 10, 2007.

I also enclose a check for \$2,750 which is 10% on \$110,000 for the period July 1, 2007 to September 30, 2007.

You will also find a check for \$83 which is 10% on \$10,000 for the month of September, 2007.

Very truly yours,



Thomas E. Brett

ms
encl.

MCMDP_00001744

THOMAS E. BRETT
ATTORNEY AT LAW

(718) 263-0123

SUITE 311
125-10 QUEENS BOULEVARD
KEW GARDENS, N.Y. 11415

January 21, 2008

Mr. Gaetano Macaluso
c/o Rosalinda Macaluso

Redacted

Dear Tom:

I enclose herewith my check for \$1,575 which amounts to 9% on \$70,000 for October 1, 2007 to December 31, 2007.

I also enclose 2 checks for Rosalinda one for \$4,500 which amounts to 9% on \$200,000 for October 1, 2007 to December 31, 2007 and the other for \$100 which amounts to 9% ~~for one and 1/3~~ ^{on} ~~months~~ ^{\$10,000.} for November 20, 2007 to December 31, 2007.

Very truly yours,


Thomas E. Brett

ms
encl.

MCMDP_00001745

THOMAS E. BRETT
ATTORNEY AT LAW

(718) 263-0123

SUITE 311
125-10 QUEENS BOULEVARD
KEW GARDENS, N.Y. 11415

January 21, 2008

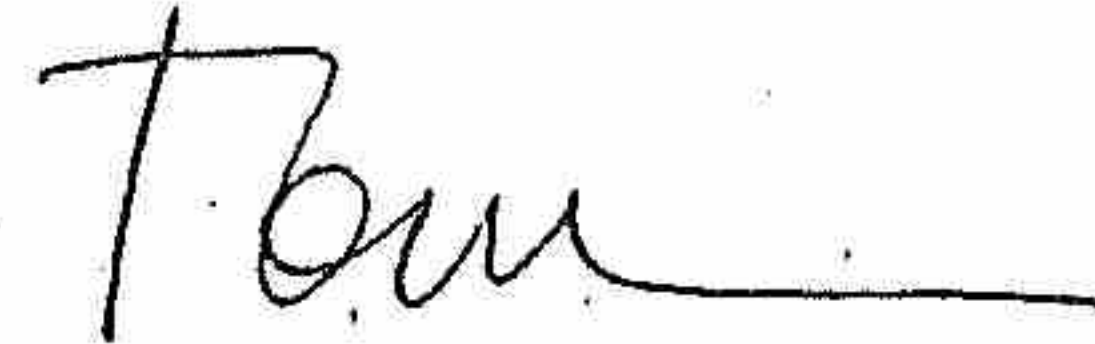
Ms. Rosalinda Macaluso

Redacted

Dear Rosalinda:

I enclose herewith my check to your order in the sum of \$2,700
which is 9% on \$200,000 for October 1, 2007 to December 31,
2007.

Very truly yours,



Thomas E. Brett

ms
encl.

MCMDP_00001746

THOMAS E. BRETT
ATTORNEY AT LAW

(718) 263-0123

SUITE 311
125-10 QUEENS BOULEVARD
KEW GARDENS, N.Y. 11415

April 17, 2008

Mr. Gaetano Macaluso
c/o Rosalinda Macaluso

Redacted

Dear Tom:

I enclose herewith my check for \$500 which amounts to 3% on \$70,000 for the month of January (\$175) and 3% on \$65,000 for March and April (\$325), 2008.

I also enclose my check for Rosalinda for \$1,575 which amounts to 3% on \$210,000 for January 1, 2008 to March 31, 2008.

I regret the reduction in interest, but it is due to the market and the reluctance to actively trade at this time.

Very truly yours,


Thomas E. Brett

ms
encl

MCMDP_00001747

THOMAS E. BRETT
ATTORNEY AT LAW

(718) 263-0123

SUITE 311
125-10 QUEENS BOULEVARD
KEW GARDENS, N.Y. 11415

April 17, 2008

Ms. Rosalinda Macaluso

Redacted

Dear Rosalinda:

I enclose herewith my check to your order in the sum of \$900 which is 3% on \$120,000 for January 1, 2008 to March 31, 2008.

I regret the reduction in interest, but it is due to the market and the reluctance to actively trade at this time.

Very truly yours,



Thomas E. Brett

ms
encl.

MCMDP_00001748

THOMAS E. BRETT
ATTORNEY AT LAW

(718) 263-0123

SUITE 311
125-10 QUEENS BOULEVARD
KEW GARDENS, N.Y. 11415

July 15, 2008

Mr. Gaetano Macaluso
c/o Rosalinda Macaluso

Redacted

Dear Tom:

I enclose herewith my check for \$1,850 which amounts to 12% on \$65,000 for the months of April and May (\$1,300) and 12% on \$55,000 for June (\$550).

I also enclose my check for Rosalinda for \$6,600 which amounts to 12% on \$220,000 for April 1, 2008 to June 30, 2008.

Very truly yours,



Thomas E. Brett

ms
encl.

MCMDP_00001749

THOMAS E. BRETT
ATTORNEY AT LAW

(718) 263-0123

SUITE 311
125-10 QUEENS BOULEVARD
KEW GARDENS, N.Y. 11415

July 15, 2008

Ms. Rosalinda Macaluso

Redacted

Dear Rosalinda:

I enclose herewith my check to your order in the sum of \$3,600 which is 12% on \$120,000 for April 1, 2008 to June 30, 2008.

Very truly yours,



Thomas E. Brett

ms
encl.

MCMDP_00001750

THOMAS E. BRETT
ATTORNEY AT LAW

(718) 263-0123

SUITE 311
125-10 QUEENS BOULEVARD
KEW GARDENS, N.Y. 11415

October 14, 2008

Mr. Gaetano Macaluso
c/o Rosalinda Macaluso

Redacted

Dear Tom:

I enclose herewith my check for \$1,375 which amounts to 10% on \$55,000 for the months of July 1, 2008 to September 30, 2008.

I also enclose my check for Rosalinda for \$5,625 which amounts to 10% on \$220,000 for July and up to August 15 (\$2,750) and 10% on \$230,00 for the balance of August and for September (\$2,875).

Very truly yours,



Thomas E. Brett

ms
encl.

MCMDP_00001751

THOMAS E. BRETT
ATTORNEY AT LAW

(718) 263-0123

SUITE 311
125-10 QUEENS BOULEVARD
KEW GARDENS, N.Y. 11415

October 14, 2008

Ms. Rosalinda Macaluso

Redacted

Dear Rosalinda:

I enclose herewith my check to your order in the sum of \$3,000
which is 10% on \$120,000 for July 1, 2008 to September 30, 2008.

Very truly yours,



Thomas E. Brett

ms

encl.

MCMDP_00001752

9595 <input type="checkbox"/> VOID <input type="checkbox"/> CORRECTED					
PAYER'S name, street address, city, state, ZIP code, and telephone no. VINCENZA J. BRETT REDACTED		1 Rents	OMB No. 1545-0115 2008 Form 1099-MISC		Miscellaneous Income
		2 Royalties			
		3 Other income			
PAYER'S federal identification		RECIPIENT'S identification		4 Federal income tax withheld	Copy A For Internal Revenue Service Center File with Form 1096. For Privacy Act and Paperwork Reduction Act Notice, see the 2008 General Instructions for Forms 1099, 1098, 5498, and W-2G.
Redacted -9695		Redacted		5 Fishing boat proceeds	
RECIPIENT'S name Rosalinda MACALUSO				6 Medical and health care payments	
Street		City, st		7 Nonemployee compensation	8 Substitute payments in lieu of dividends or interest
Account number (see instructions)		2nd TIN not		9 Payer made direct sales of \$5,000 or more of consumer products to a buyer (recipient) for resale <input type="checkbox"/>	10 Crop insurance proceeds
15a Section 409A deferrals		15b Section 409A income		11	12
				13 Excess golden parachute payments	14 Gross proceeds paid to an attorney
16 State tax withheld		17 State/Payer's state no.		18 State income	

Form 1099-MISC

Cat. No. 14425J

Department of the Treasury - Internal Revenue Service

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MCMDP_00001753